

### REMARKS

Claims 1-7 are pending.

Claims 1-7 stand rejected.

Claims 1 and 4 have been amended.

No new matter has been added.

Claims 1-7 are hereby submitted for reconsideration.

In paragraph 1 of the Office Action, the Examiner has objected to the specification because the element identifier “22”, on page 5 is missing from the drawings. Applicant has amended paragraph [0011] of the specification to indicate that element 22 is illustrated in Fig. 4, and the corresponding element identifier “22” has been added to Fig. 4. As such, Applicant respectfully requests that the objection to the specification be withdrawn.

In paragraph 2 of the Office Action, the Examiner has objected to the drawings under 37 CFR 1.83(a) because the rivet head channel is not shown in the drawings.

Applicant respectfully disagrees with this assertion. The rivet head channel 36 is described in detail on page 6, paragraph [0014] of the specification:

“Further to this end, a rivet head channel 36 is disposed on the upper side of cover 30 from the bottom opening to rivet head receiving slot 32 so as to allow rivet head 20 pass through cover 30 until it reaches rivet head receiving slot 32. Rivet head channel 36 is of a lesser thickness than the rest of cover 30 but is thicker than rivet head receiving slot 32 such that when rivet head 20 reaches rivet head receiving slot 32 rivet head 20 frictionally engages cover 30.”

This feature of a rivet head channel is shown in Fig. 2, properly identified as

element 36, where a channel is shown extending from the open end of the cover to the rivet head receiving slot 32. Additionally, the angled front view of figure 2 shows the open end of cover 30 having a first thickness and the rivet head channel 36 having a second lesser thickness. The rivet head channel is also illustrated in different views in both Figs. 3 and 4.

As such, Applicant respectfully submits that rivet head channel 36 is properly illustrated in the Figures and requests that the objection under 37 CFR 1.83(a) be withdrawn.

Upon review of Fig. 2, rivet back channel 38, although partially illustrated, is not shown in full. Rivet back channel 38 as described on page 6, paragraph [0015] of the specification, is similar to rivet head channel 36 except that it is located on the back side of cover 30.

As shown in Fig. 2, the reduced thickness at the open end of cover 30 is shown for rivet head channel 38, but the rest of the channel extending up towards the closed end of cover 30 was inadvertently not shown. As such, Applicant has amended Fig. 2 to show rivet back channel 38 extending away from the open end of cover 30 towards the closed end of cover 30, until it disappears behind the top of cover 30. This amendment Fig. 2 more clearly illustrates the element as described and more closely corresponds to the other rendition of rivet back channel 38 shown in Fig. 4.

In view of the foregoing, Applicant respectfully submits that the Amended Fig. 2 properly shows all of the described and claimed elements and requests that the objection to the drawings be withdrawn. Applicant further notes that pages 5 and 6 of the specification adequately support the drawings amendments, and that no new matter has

Application No. 10/083,760  
Amendment dated June 8, 2004  
Reply to Office Action dated April 27, 2004

been added.

In paragraph 4 of the Office Action, the Examiner has rejected claim 2 under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant has cancelled claim 2, and respectfully requests that this rejection be withdrawn. Applicant further notes that claim 1 has been amended to more clearly claim the relationship between the rivet head channel and rivet head receiving slot and request that the rejection under 35 U.S.C. § 112 not be carried over to this claim.

Applicant further notes that claim 4 has been amended to correct a minor informality regarding spelling.

In paragraph 6 and 8 of the Office Action, the Examiner has rejected claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by Linden (U.S. Patent No. 4,714,159) and claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Linden. In paragraph 9 of the Office Action, the Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Melter et al. (U.S. Patent No. 5,297,343) in view of Linden.

Applicant respectfully disagrees with the Examiner's contentions and submits the following remarks in response.

The present invention as claimed in independent claim 1 is directed to a cutting device having first and second blades coupled by rivet at a pivot point, with the rivet having a head elevated with respect to the first blade portion.

A cover, having a first thickness, is provided for covering at least a portion of the blade portions. The cover has first and second ends, where the first end is closed and the

second end is open for receiving the blade portions. The second end further provides for an arrangement for receiving and securing the rivet head.

This arrangement for securing the rivet head includes a rivet head channel extending from the edge of the second end of the cover towards the first end, where the rivet head channel is of a second lesser thickness than the cover to accommodate the easy entry of the rivet head.

The arrangement for securing the rivet also has a rivet head receiving slot, of a third lesser thickness than said rivet head channel, and located at the end of rivet head channel closer to the first end of the cover, so that when the blade portions are closed and when the cover is positioned over the blades, the rivet head frictionally engages between the rivet head receiving slot and the thicker rivet head channel so that the cover is frictionally attached to the rivet head. In this configuration, the present invention provides for scissors and a cover that securely maintain their connection by clipping the cover entirely around the rivet head.

With respect to the first rejection the Examiner has indicated that Linden reference teaches all of the elements of the present invention. The Linden reference is directed to a sales and storage package for scissors, where the scissors are held in place by way of the head 5 of the hinge being held in place in a snap action 6. As illustrated in Figs. 1 and 3, the scissors are placed in the card 1, such that head 5 is pushed into snap action 6 from the bottom via enclosing part 8. Slit 9, located above snap action 6 allows for some flexibility to enclosing part 8 of snap action 6 to initially move out of the way before snapping back into position to lock head 5 in position.

Although the Linden arrangement in some ways achieves a similar result of

storing a pair of scissors, it does not maintain all of the elements of the present invention as claimed and does not obviate the features as claimed. For example, there is no teaching or suggestion in Linden, that discloses a rivet head channel, extending from the edge of the second end of the cover towards the first end, where the rivet head channel is of a second lesser thickness than the cover.

Furthermore, the Linden reference does not teach or suggest a rivet head receiving slot, of a third lesser thickness than said rivet head channel, located at the end of the channel, closer to the first end of the cover, so that the rivet head frictionally engages between the rivet head receiving slot and the thicker rivet head channel so that the cover is frictionally attached to the rivet head.

The rivet head channel and rivet head receiving slot of the present invention is not analogous to the arrangement in Linden, which does not maintain a channel of a lesser thickness than the cover or a receiving slot of lesser thickness at the end of that channel. As discussed above, Linden simply does not teach areas of lesser thickness but instead simply uses enclosing part 8.

Firstly, the open ended enclosing part 8 does not provide for a clipping action around the entire rivet head as is provided in the present invention. Also, enclosing part 8 and snap action 6 of Linden are located at the bottom of cover 1, as opposed to the connection between rivet head receiving slot and rivet head channel, located away from the bottom of the cover. These features of the present invention make the connection between the scissors and the cover more secure, making loss of the cover less likely than with the prior art designs.

As such, Applicant respectfully requests that the rejection of the claims in view of

Application No. 10/083,760  
Amendment dated June 8, 2004  
Reply to Office Action dated April 27, 2004

the Linden reference be withdrawn.

In the Office Action, the Examiner continued by rejecting the claims as being obvious over Melter in view of Linden. However, like the Linden reference, the Melter reference also does not teach or suggest the present invention as claimed.

Melter teaches a cover for scissors, as illustrated in Fig. 7, a pair of claws 92 are used to clip the pivot screw into circular opening 94. Like, Linden, this arrangement makes use of opening, located at the end of the cover and is thus not analogous to the present invention's clipping action around the entire rivet head or the connection between rivet head receiving slot and rivet head channel, located away from the bottom of the cover.

Even if the Examiner combined the Melter and Linden references as suggested, the resulting structure would still not teach all of the elements of the present invention. As noted above, neither the Linden nor Melter references, either alone or in combination with one another, teach or suggest a rivet head channel extending from the edge of the second end of the cover towards the first end, of a second lesser thickness than the cover and a rivet head receiving slot of a third lesser thickness than the rivet head channel, so that the rivet head frictionally engages between the rivet head receiving slot and the thicker rivet head channel.

In view of the forgoing, Applicant respectfully requests that the rejection of claim 1-7 in view of the Melter reference be withdrawn.

Also, as claims 2-7 depend from independent claim 1, Applicant request that any rejection of these claims also be withdrawn for the same reasons set forth above.

Applicant respectfully submits that the present invention as claimed is now in

Application No. 10/083,760  
Amendment dated June 8, 2004  
Reply to Office Action dated April 27, 2004

condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that a telephone interview would advance the prosecution of this application they are invited to contact the undersigned at the number listed below.

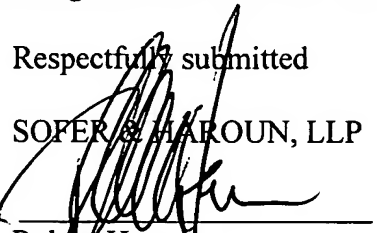
Dated:

6/9/04

By:

Respectfully submitted

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# **APPENDIX**



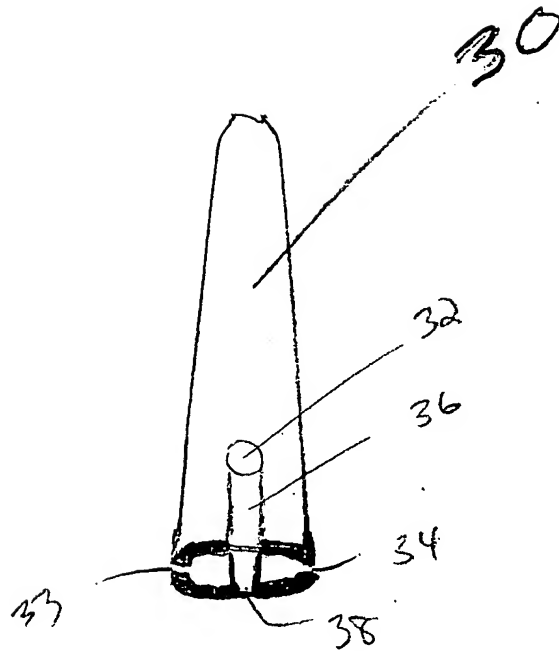


Fig.2

Replacement Sheet

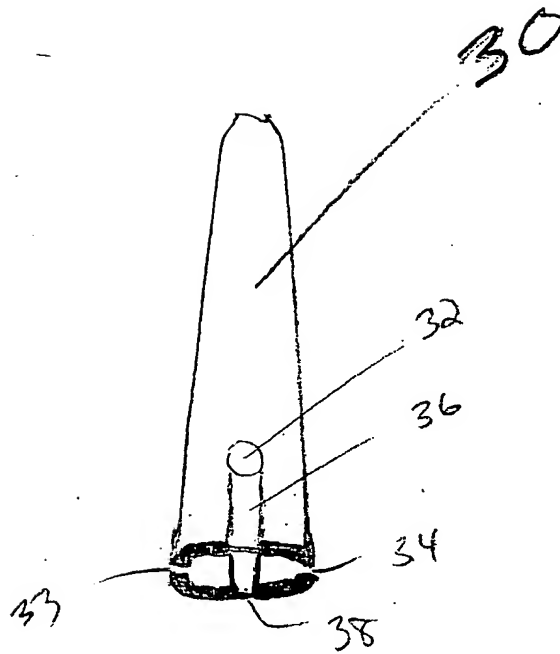
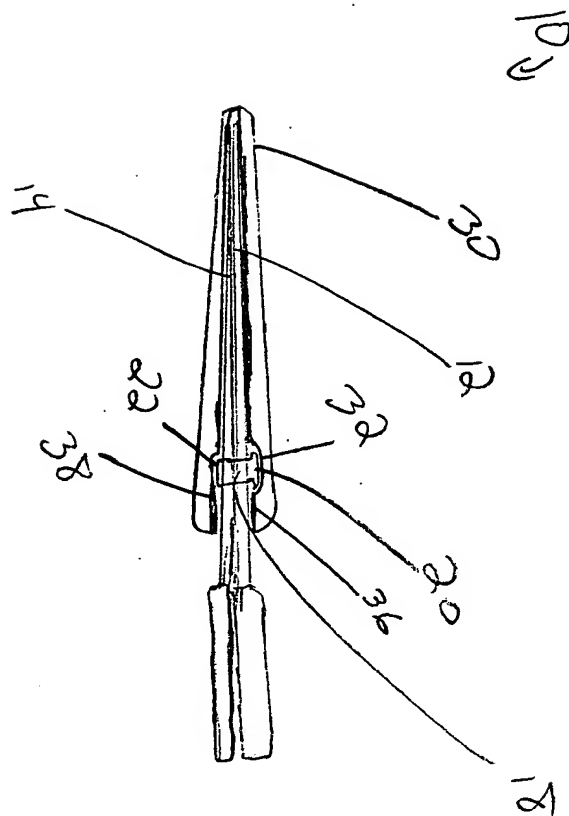


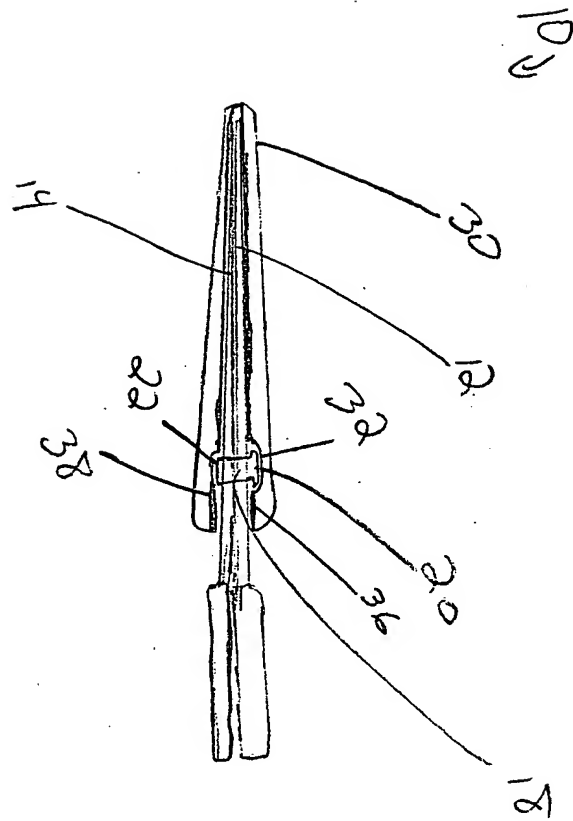
Fig.2

Annotated Sheet Showing Changes



Replacement Sheet

Fig. 4



Annotated Sheet Showing Changes

Fig. 4